

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the matter of a general investigation to) Docket No.: 25-CONS-3194-CINV
propose a regulation implementing K.S.A.)
55-180(f).) CONSERVATION DIVISION
)
) License No.: N/A
_____)

STATUS UPDATE

Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) hereby files this *Status Update*.

1. On December 12, 2024, Staff filed a *Motion to Open Docket and Authorize Submission of a Proposed Regulation for Approval Pursuant to the Rules and Regulations Filing Act*. On December 31, 2024, the Commission granted Staff's motion, further authorizing Staff to utilize this docket to provide status updates whenever appropriate.

2. On January 16, 2025, Staff submitted the proposed regulation for review with the Department of Administration as required by the Rules and Regulations Filing Act.¹ After several rounds of review, the Department of Administration issued a single-stamped copy of the regulation on March 31, 2025.

3. On March 31, 2025, Staff submitted the single-stamped regulation for review with the Office of Attorney General, Legal Oversight and Government Counsel Section as required by the Rules and Regulations Filing Act. The Office of the Attorney General completed its review on April 22, 2025, and provided Staff with a double-stamped copy of the regulation on May 1, 2025.

4. Staff has attached a copy of the correspondence from the Office of the Attorney General to this update.

¹ K.S.A. 77-415 *et seq.*

WHEREFORE, Staff submits this *Status Update*.

Respectfully Submitted,

/s/Tristan Kimbrell

Tristan Kimbrell, #27720

Litigation Counsel

Kansas Corporation Commission

266 N. Main St., Ste. 220

Wichita, KS 67202

Tristan.Kimbrell@ks.gov

Received by
Kansas Corporation Commission

MAY 01 2025

Conservation Division, Wichita, KS



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

KRIS W. KOBACH
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

April 22, 2025

Tristan Kimbrell, Litigation Counsel
Conservation Division
Kansas Corporation Commission
266 N. Main St., Ste. 220
Wichita, KS 67202-1513

RE: **K.A.R. 82-3-144**

Dear Mr. Kimbrell:

Pursuant to the Rules and Regulations Filing Act, K.S.A. 77-415, *et seq.*, we have reviewed the above-referenced regulation for legality. Finding no issues of concern, we have approved it. The stamped original regulation is enclosed.

Sincerely,

Joseph S. Behzadi
Assistant Attorney General
Legal Oversight and Government Counsel Section

JSB:sb

Enclosure

cc: Rep. Barbara Wasinger, Chair, Joint Committee on Rules and Regulations
Sen. Kellie Warren, Vice Chair, Joint Committee on Rules and Regulations
Rep. John Carmichael, Ranking Minority Member, Joint Committee on Rules and Regulations
Jill Shelley, Legislative Research, State Capitol, Room 68-W
Jenna Moyer, Office of Revisor, State Capitol, Room 24-E

Regulations Transmittal Memo

To: Legal Oversight and Government Counsel Section
Attorney General's Office

From: Kansas Corporation Commission

Date: March 31, 2025

Re: New Proposed Regulation K.A.R. 82-3-144

RECEIVED

MAR 31 2025

KANSAS ATTORNEY GENERAL

The Kansas Corporation Commission is submitting the above-referenced regulation for a second review. In response to suggestions made during the first review, we added the word "except" to subsection (d) of the regulation. We also made it clearer that the steps in subsection (a) need to be followed in that order. We have added language to subsection (a) to that effect, as well as added a subsection (h) that allows for the possibility of exception to the order. The Department of Administration has approved the changes and indicated that they would transmit a stamped copy of the revised regulation to the Attorney General's Office. Enclosed with this memo is a redlined version of the revised regulation. Thank you.

The regulation status is as follows:

- ☐ Initial review of new, newly amended, or revoked regulation
- ☒ 2nd or subsequent review following disapproval by Attorney General after initial review *
- ☐ 2nd or subsequent review following agency pre-hearing changes *
- ☐ Post-hearing review with changes as suggested by public comments or the Joint Committee on Rules and Regulations *

* NOTE: Please indicate changes from previously submitted version in some manner.

Any additional comments, i.e. statutory or other deadline:

The agency contact person is: Tristan Kimbrell, Litigation Counsel
Conservation Division
Kansas Corporation Commission
266 N. Main St., Ste. 220
Wichita, KS 67202-1513
316-337-6218
Tristan.Kimbrell@ks.gov

82-3-144. Abandoned well plugging reimbursement. (a) Reimbursement process. Each person seeking reimbursement under K.S.A. 2024 Supp. 55-180(f), and amendments thereto, shall do the following in the prescribed order to obtain reimbursement:

- (1) Submit a complete plugging reimbursement application;
- (2) obtain plugging reimbursement approval from the director;
- (3) plug the well or wells in accordance with all applicable laws; and
- (4) submit a complete post-plugging certification of completion.

(b) Plugging reimbursement application. Each plugging reimbursement application shall be submitted on a form prescribed by the commission and shall include:

- (1) The name and contact information of the applicant;
- (2) the name and contact information of the surface owner, as defined in K.S.A. 2024 Supp. 55-169a(b), and amendments thereto;
- (3) the location of the well or wells, and any known well names or American petroleum institute numbers;
- (4) the estimated reimbursement for each well and the total plugging estimate; and
- (5) any other information required by the conservation division.

(c) Director plugging reimbursement approval. The following nonexclusive factors may be considered by the director as part of a decision to grant or deny plugging reimbursement approval:

- (1) Whether funds are available to the commission;
- (2) whether the well or wells are eligible for reimbursement under K.S.A. 2024 Supp. 55-180(f)(1), and amendments thereto; and

APPROVED

MAR 31 2025

DEPT. OF ADMINISTRATION

APPROVED

APR 22 2025

ATTORNEY GENERAL

(3) whether the estimated total plugging reimbursement amount is reasonable.

(d) Well plugging requirements. To obtain reimbursement, each well shall be plugged according to all statutory and regulatory requirements, and all written directives of the director and staff, except no person shall be required to submit any form as required by K.A.R. 82-3-113 or K.A.R. 82-3-117.

(e) Post-plugging certification of completion. Each post-plugging certification of completion shall be submitted on a form prescribed by the commission and shall include:

- (1) The name and contact information of the applicant;
 - (2) the name and contact information of the surface owner;
 - (3) the location of the well or wells, and any known well names or American petroleum institute numbers;
 - (4) all plugging invoices for each well included in the plugging reimbursement application that was plugged, including copies of all cement tickets or cement receipts;
 - (5) the reimbursement requested for each well and the total requested reimbursement;
- and
- (6) any other information required by the conservation division.

(f) Plugging reimbursement. If the director has granted a plugging reimbursement application for the well or wells, the following exclusive factors shall be considered by the director as part of a decision to grant or deny post-plugging reimbursement:

- (1) Compliance with all well-plugging requirements and directives; and
- (2) successful finalization and submission of the post-plugging certification of completion, including all invoices.

APPROVED

MAR 31 2025

DEPT. OF ADMINISTRATION

APPROVED

APR 22 2025

ATTORNEY GENERAL

(g) If any well is plugged within six months after a plugging reimbursement application is approved by the director, reimbursement for the actual amount spent, not to exceed the amount requested in the initial plugging reimbursement application, shall be granted once the criteria set forth in subsection (f) are met. The director may grant reimbursement of an amount greater than the amount requested in the initial plugging reimbursement application, but only upon a showing by the applicant of unforeseen circumstances during the plugging process that directly caused an excess in plugging costs.

(h) Application for exception. Upon written, timely request to the conservation division, the director may provide an exception to any of the requirements of this regulation. (Authorized by K.S.A. 2024 Supp. 55-152 and 55-180; implementing K.S.A. 2024 Supp. 55-180 and 55-192; effective P-_____.)

APPROVED

MAR 31 2025

DEPT. OF ADMINISTRATION

APPROVED

APR 22 2025

ATTORNEY GENERAL

CERTIFICATE OF SERVICE

25-CONS-3194-CINV

I, the undersigned, certify that a true and correct copy of the attached Status Update has been served to the following by means of first class mail and electronic service on May 6, 2025.

TOM BLACK, KFB/KLA REPRESENTATIVE
TOM BLACK
306 S OAK ST
PRATT, KS 67124
prcoatty@hotmail.com

TIM BOESE
EQUUS BEDS GROUNDWATER MGMT. DIST. #2
313 Spruce Street
Halstead, KS 67056-1925
tboese@gmd2.org

DAWN BUHLER, KANSAS RIVERKEEPER & EXECUTIVE
DIRECTOR
FRIENDS OF THE KAW
PO BOX 1612
LAWRENCE, KS 66044-3502
riverkeeper@kansasriver.org

ROB EBERHART, EKOGA REPRESENTATIVE
BOBCAT OILFIELD SERVICE, INC.
602 W AMITY STE 103
LOUISBURG, KS 66053-3542
bobcatoilrob@gmail.com

DAN HAAKE, SWKROA / EKROA REPRESENTATIVE
MAIN STREET HOLDING COMPANY
11413 W 104TH ST
OVERLAND PARK, KS 66214-2715
dhaake@hutchinscpa.com

RYAN HOFFMAN, DIRECTOR OF CONSERVATION
DIVISION
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
ryan.hoffman@ks.gov

TRISTAN KIMBRELL, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
tristan.kimbrell@ks.gov

DOUG LOUIS
KANSAS GEOLOGICAL SOCIETY
1704 S BAEHR ST
WICHITA, KS 67209-2704
doug.louis@ku.edu

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
jon.myers@ks.gov

JOSH OLSEN
KANSAS WATER OFFICE
900 SW JACKSON ST STE 404
TOPEKA, KS 66612-0404
josh.olson@kwo.ks.gov

CERTIFICATE OF SERVICE

25-CONS-3194-CINV

ANDY TERHUNE, DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE
1320 RESEARCH DR
MANHATTAN, KS 66502-5000
andrew.terhune@ks.gov

KEN WHITE, KIOGA REPRESENTATIVE
WHITE EXPLORATION, INC.
PO BOX 780425
WICHITA, KS 67278
kswhite@white-exploration.com

/s/ Paula J. Murray

Paula J. Murray